



THE CITY OF NEW YORK
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December 10, 2021

BY ECF

MEMORANDUM ENDORSEMENT

Hon. Kevin N. Fox
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *M.T. obo K.C. v. N.Y. City Dep't of Educ., et al.*
Index No. 20 CV 7544 (KPF) (KNF)

Dear Judge Fox,

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and attorney for the Defendants in the case referenced above. I write to respectfully request a short adjournment of the settlement conference currently scheduled in this matter for Wednesday, December 15, 2021, at 10:30 A.M.

In considering Plaintiffs' demand, the New York City Department of Education and this Office have found that the underlying facts to be both more complicated than previously understood and somewhat confusing. It has also proved challenging to distill the underlying administrative orders into particular amounts of educational services that may be owed to the student K.C. Additionally, the parties will benefit from additional time for negotiations. Indeed, I expect that with an extension of time, we will at least be able to make further progress, and may be able to resolve the matter without the Court's assistance. Plaintiffs have advised that they do not object to the proposed adjournment but they do not agree with the characterization of the underlying decisions.

Accordingly, I respectfully request that the Court adjourn the conference scheduled for December 15, 2021, and reschedule it on a later date. Presently, the parties are available on December 27, 2021, December 28, 2021, and January 7, 2022 (and could suggest other dates if none of those are convenient for the Court). I also respectfully request a corresponding extension of time to make the pre-conference submissions, as set forth in the Court's Settlement Procedures.

This is the first request to adjourn the conference that either party has made. I have communicated with Elisa Hyman, Esq., Plaintiffs' counsel, and she consents to the proposed adjournment.

Thank you for your consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg
Assistant Corporation Counsel

cc: Elisa Hyman, Esq.
Erin O'Connor, Esq., Of Counsel
The Law Offices of Elisa Hyman, P.C.
Attorneys for Plaintiffs

12/10/21

The application to adjourn the settlement conference is granted. The Court is not available to meet with the parties on the dates proposed above. A new date for the settlement conference will be provided to the parties as soon as is practicable.
SO ORDERED:

Kevin Nathaniel Fox

Kevin Nathaniel Fox, U.S.M.J.